



**COMMONWEALTH of VIRGINIA**  
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**MEMORANDUM**

**TO: BRIAN MCCORMICK**  
Regulatory and Manual Section Manager  
Department of Medical Assistance Services

**FROM: ELIZABETH A. MCDONALD**  
Special Counsel to DMAS

**DATE: July 1, 2010**

**SUBJECT: Proposed Regulations concerning the Technology Assisted Waiver**

I have reviewed the attached proposed regulations concerning the Technology Assisted Waiver (12 VAC 30-120-1700 *et seq.*). The purpose of these regulations is to achieve greater consistency and clarity in content and format with other DMAS' waiver programs.

Based on my review, DMAS has the authority to promulgate these regulations, subject to compliance with the provisions of Article 2 of the Administrative Process Act and has not exceeded that authority.

Virginia Code §§ 32.1-324 and 32.1-325 grant to the Board of Medical Assistance Services the authority to administer and amend the plan for Medical Assistance and authorizes the Director of DMAS to administer and amend the plan for Medical Assistance according to the Board's requirements. The authority for these proposed regulations derives from the *Social Security Act*, *see* 42 U.S.C.S. § 1396(n).

If you have any questions or need additional information, please feel free to contact me at 786-7363.

cc: Kim F. Piner  
Senior Assistant Attorney General